

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ANSGAR ASPALTER, RICHARD BUDIN, KRZYSZTOF KROTLA,
CHRISTIAN LECHNER, ROBERT REITER and HELMUT WENZL

Appeal No. 2003-1549
Application No. 09/356,400

ON BRIEF

Before PAK, LIEBERMAN, and TIMM, Administrative Patent Judges.
PAK, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on an appeal under 35 U.S.C. § 134 from the examiner's refusal to allow claims 1 through 4 and 14 through 17, which are all the claims pending in the above-identified application.

Claim 1 is representative of the subject matter on appeal and reads as follows:

1. A method of introducing a second reaction medium into and mixing the second reaction medium with a first reaction medium, which comprises:

conducting a first reaction medium in a flow channel;

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introducing a second reaction medium through nozzle apertures at a multiplicity of locations distributed about a cross section of the flow channel into the first reaction medium;

and

causing reduced pressures and inducing turbulence flows with a multiplicity of deflectors in the first reaction medium at the locations at which the second reaction medium is introduced and thereby intensely intermixing the first and second reaction media directly at the locations at which the second reaction medium is introduced.

The prior art references relied upon by the examiner are:

Tenner et al. (Tenner)	4,115,515	Sep. 19, 1978
Mansour et al. (Mansour)	5,510,092	Apr. 23, 1996

Claims 1 through 4 and 14 through 17 stand rejected under 35 U.S.C. § 103 as unpatentable over the combined disclosures of Mansour and Tenner.

We reverse.

On this record, we concur with the appellants that the examiner has not supplied sufficient suggestion or motivation to arrive at the claimed subject matter within the meaning of 35 U.S.C. § 103. Specifically, the examiner has not explained or shown that one of ordinary skill in the art would have been led to employ the nozzle arrangement taught by Tenner to introduce a second reaction medium at the locations where multiple deflectors are placed to cause reduced pressure and induce turbulence flows. See the Answer in its entirety. As correctly noted by the

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appellants (Brief, pages 6-8), Tenner employs its nozzle arrangement to produce the following effect (column 7, lines 9-19):

each reducing gas injection means will comprise a plurality of tubes . . . disposed generally parallel and in the same plane as each other tube . . . a plurality of apertures or nozzle type openings to facilitate injection of the reducing gas . . . these openings will be spaced such that the spray pattern therefrom will slightly overlap the spray pattern from adjacent openings thereby substantially blanketing the entire cross-section of combustion effluent gas flow area.

To supply such spray patterns at the locations where the baffle described in Mansour is placed would destroy the invention on which Tenner is based. Ex parte Hartmann, 186 USPQ 366, 367 (Bd. App. 1974). The examiner has not proffered any evidence that the spray patterns desired by Tenner can be obtained in the environment taught by Mansour.

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In view of the foregoing, the decision of the examiner is reversed.

REVERSED

CHUNG K. PAK)	
Administrative Patent Judge)	
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)	
)	
)	BOARD OF PATENT
PAUL LIEBERMAN)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
)	
CATHERINE TIMM)	
Administrative Patent Judge)	

CKP/lp

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LERNER AND GREENBERG PA
PO BOX 2480
HOLLYWOOD, FL 330222480